



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/686,069

10/15/2003

Ismael A. Hernandez

31599/263274

7971

826

7590

08/21/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/686,069
Filing Date: October 15, 2003
Appellant(s): HERNANDEZ, ISMAEL A.

MAILED

AUG 21 2006

GROUP 1700

Donald M. Hill, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 June 2006 from
the Office action mailed 10 January 2006.

Art Unit: 1772

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

Art Unit: 1772

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,165,321	Pauley et al.	12-2000
5,710,853	Von Hoessle et al.	1-1998
4,026,690	McClellan	5-1977

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClellan (U.S. 4,026,690) in view of Von Hoessle et al. (U.S. 5,710,853) and Pauley et al. (U.S. 6,165,321).

McClellan teaches a forming tube or carrier for glass fibers made of Kraft paper or Kraft paperboard (col. 5, lines 15-30,

Art Unit: 1772

abstract). The paperboard tube must have a high wet strength to resist the aqueous component of the glass fiber binder (col. 1, lines 15-25). McClellan fails to teach the need for the tube or carrier for the glass fibers to be permeable to water vapor.

Von Hoessle et al. teach using a forming tube that is permeable to water vapor or solvent vapor to allow faster and more even drying of glass fibers after coating and winding (col. 5, lines 1-25, abstract). Von Hoessle et al. fails to teach a specific size or coating that would enable the paperboard tube of McClellan to both preserve the strength of the paper tube when exposed to the aqueous coating used on the glass fiber, as well as allow vapor permeability to provide even drying and an increase in the drying rate of the glass fiber as taught by Von Hoessle et al. Pauley et al. teach the use of a size for paper and paperboard that prevents the passage of liquid water but allows water vapor to pass and also prevents staining of paper substrates which use the size (col. 4, lines 20-35, col. 6, lines 40-60).

The instant invention claims a paperboard tube with a size that allows vapor penetration but not water penetration that also excludes any silicone coating. It would have been obvious to one of ordinary skill in the art to have used a size that

Art Unit: 1772

both waterproofs and allows water vapor passage in the paperboard of McClellan in order to allow both a high wet strength and more uniform drying of the glass fibers and further obvious to exclude or substitute for any coating in McClellan, such as silicone, that would prevent the advantages of water vapor passage because of the teachings of Von Hoessle et al. and Pauley et al.

(10) Response to Argument

Appellant argues that one of ordinary skill in the art would not modify the paper tube of McClellan to exclude the use of a silicone coating that prevents water vapor penetration because McClellan (col. 5, lines 35-40 of the reference) requires a silicone release coating to be put on the outside of the tube to allow separation of the dried wound glass fiber from the paper tube in order to remove the tube. The examiner notes that col. 5, lines 35-40 of McClelland only states that it is conventional to use a silicone release coating. Claim 1 of McClellan is broader in that it requires an agent that will aide in release of the wound glass fiber, but it is not limited to a silicone compound.

Art Unit: 1772

As stated by applicant at page 2, lines 1-5 of the instant specification, it is conventional in the art of paper tubes used in glass fiber production, to coat the paper tubes with silicone to render them impervious to the liquid of the aqueous binder that coats the glass fiber during production. The conventional silicone coatings thus serve the purpose of preventing penetration of the aqueous coating into the paper to preserve strength as admitted by appellant and also the purpose of preventing bonding of the aqueous coating with the paper tube to allow release and removal of the coated glass fiber from the paper tube as taught by McClellan.

The position of the examiner is that the size of Pauley et al. would serve similar dual purposes since it excludes wetting of the paperboard as well as resists staining, which is a type of bonding. A prevention of the formation of any bond between the size and paper of the tube would aide in release and removal of the dried glass fiber. Thus use of the size of Pauley et al. as an agent to resist water but still allow vapor permeability, instead of a silicone coating that blocks both, would not destroy the function of release of the glass fiber from the paper tube of McClelland.

Art Unit: 1772

It is also noted by the examiner that there are applications such as those of Von Hoessle et al. (providing continuous communication while a vehicle is moving to a site, col. 1, lines 10-20 of the reference) where the glass fiber is left on the tube that it is wound upon during production, until it is unwound in the final application from the outside of the wound fiber bundle, instead of having the tube removed from the inside of the wound fiber bundle as taught by McClellan. In applications such as Von Hoessle et al., one of ordinary skill in the art would not be concerned with the degree of release or absence of a silicone release coating from the carrier tube, as a portion of the fiber would remain on the tube in the final application.

Thus applicant's arguments that a silicone coating must be used in order to preserve the function of McClelland are incorrect and the rejection should therefore be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 1772

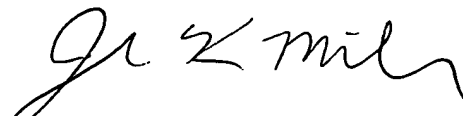
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in cursive script, reading "William P. Watkins III". The signature is written in dark ink and is positioned above the printed name.

William P. Watkins III
Primary Examiner Art Unit 1772

Conferees:

A handwritten signature in cursive script, reading "J. K. Michener". The signature is written in dark ink and is positioned above the printed name.

Jennifer Kolb-Michener
TC 1700 Appeals Specialist

A handwritten signature in cursive script, reading "Terrel Morris". The signature is written in dark ink and is positioned above the printed name.

Terrel Morris
SPE Art Unit 1771